

Exhibit 7
(1 of 3)

Second Affidavit of Dan Frey

3. Attached as Frey Exhibit 14 is an analysis I prepared comparing the county groups for Enacted 2011 Senate Districts 3, 4, 5, 14, 20, 21, 28, 32, 38, and 40, with alternative versions of these districts in the 2003 Senate Plan, the 2011 Southern Coalition for Social Justice (“SCSJ”) Senate Plan, the 2011 Senate Fair and Legal (“F&L”) Senate Plan, and the 2011 Legislative Black Caucus (“LBC”) (“Possible Senate Districts”) Senate Plan. This analysis shows that enacted Senate Districts 3, 4, 5, 14, 20, 21, 28, and 32 are in different county groups as compared to the 2003 Senate Plan and all alternative 2011 Senate Plans. Enacted Senate District 38, and 40 are located in a single county group of districts (Mecklenburg) which is true for all of the 2011 alternative Plans but not true for the 2003 Senate Plan.

4. Attached as Frey Exhibit 15 is an analysis I prepared comparing the county groups for enacted 2011 House Districts 5, 7, 8, 12, 21, 23, 24, 25, 27, 29, 31, 32, 33, 38, 42, 43, 48, 57, 58, 60, 71, 72, 99, 100, 101, 102, 106, and 107 with alternative versions of these districts found in the 2009 House Plan, the 2011 SCSJ House Plan, the F&L House Plan, and the LBC House Plan. 2011 enacted House Districts 5, 7, 8, 12, 21, 23, 24, 25, 29, 31, 32, and 48 are located in different county groups as compared to the 2009 House Plan and all of the alternative 2011 Plans. Enacted 2011 House District 27 is in the same county group (Halifax and Northampton) used by the 2011 F&L House Plan but is located in a different county group than those used in the 2009 House Plan, the 2011 SCSJ Plan, and the 2011 LBC House Plan. All plans use the same county groups for House Districts 33 and 38 (Wake) and House Districts 57, 58, and 60 (Guilford). The enacted 2011 House Districts 42 and 43 are located in the same county group used in the 2011 F&L Plan and the 2011 LBC Plan (Cumberland) while a different county group was used for these districts in the 2009 House Plan and the SCSJ House Plan. 2011 House Districts 71 and 72 are in the same county group used in the 2011 SCSJ House Plan

while the 2009 House Plan, the 2011 F&L Plan, and the 2011 LBC Plan uses different county groups for these districts. 2011 House Districts 99, 100, 101, 102, 106, and 107 are all found in a one county group (Mecklenburg) which was also used in the 2009 House Plan, the 2011 SCSJ Plan, and the 2011 F&L Plan. The 2011 LBC Plan combines Mecklenburg with two other counties (Gaston and Cleveland).

5. Attached as Frey Exhibit 16 is a chart showing the number of divided VTDs for the 2009 House Plan, the 2011 House Plan (Lewis-Dollar-Dockham 4), the SCSJ House Plan, the F&L House Plan, the LBC House Plan (Possible House Districts), the 2003 Senate Plan, the 2011 Senate Plan (Rucho Senate 2), the SCSJ Senate Plan, the F&L Senate Plan, the LBC Senate Plan (Possible Senate Districts), the 2001 Congressional Plan, the 2011 Congressional Plan (Rucho-Lewis Congress 3), the SCSJ Congressional Plan, and the Fair and Legal Congressional Plan. This chart also shows the number of divided VTDs involving a district with 40% or more TBVAP, and the percentage of divided VTDs for each plan which involve districts with 40% or more TBVAP.

6. Attached as Frey Exhibits 17, 18, 19, 20, and 21 are five charts showing the number of divided VTDs for all five House Plans found in specific districts with a TBVAP of 40% or greater. These five charts compare the 2009 House Plan (Ex. 17), the enacted 2011 House Plan (Ex. 18), the 2011 SCSJ House Plan (Ex. 19), the 2011 F&L House Plan (Ex. 20), and the 2011 LBC House Plan (Ex. 21).

7. Attached as Frey Exhibits 22, 23, 24, 25, and 26 are five charts showing the number of divided VTDs for all five Senate Plans found in specific districts with a TBVAP of 40% or greater. These five charts compare the 2003 Senate Plan (Ex. 22), the Enacted 2011

Senate Plan (Ex. 23), the 2011 SCSJ Senate Plan (Ex. 24), the F&L Senate Plan (Ex. 25), and the LBC Senate Plan (Ex. 26).

8. Attached as Frey Exhibits 27, 28, 29, and 30 are four charts showing the number of divided VTDs for all four Congressional Plans found in specific districts with a TBVAP of 40% or greater. These four charts include the 2001 Congressional Plan (Ex. 27), the enacted 2011 Congressional Plan (Ex. 28), the 2011 SCSJ Congressional Plan (Ex. 29), and the 2011 F&L Congressional Plan (Ex. 30).

9. Attached as Frey Exhibit 31 is a chart explaining the percentage of population found in the 2001 version of the First Congressional District that was included in the 2011 version of the First Congressional District. This exhibit also shows the percentage of population included in the 2011 First Congressional Districts also included in the 2001 version of the First Congressional District.

10. Attached as Frey Exhibit 32 are five charts showing the compactness scores under the Reock test for the enacted 2011 Enacted Senate Plan and all three 2011 alternatives. The first chart lists the Reock scores by district number starting with each plan's District 1 and ending with District 50. The next four charts rank each plan's districts starting with each plan's lowest scoring district and ending with each plan's highest scoring district.

11. Attached as Frey Exhibit 33 are five charts showing the compactness scores under the Reock test for the enacted 2011 House Plan and all three 2011 alternatives. The first chart lists the Reock scores by district number starting with each plan's District 1 and ending with District 120. The next four charts rank each plan's districts starting with each plan's lowest scoring district and ending with each plan's highest scoring district.

12. Attached as Frey Exhibit 34 is a chart showing the election winners for 2006, 2008, and 2010 by party and race for all Senate districts in the 2003 Senate Plan with a non-Hispanic white voting age population (“VAP”) of under 50%. This chart also shows other percentages by race and ethnicity for these districts. Percentages are based upon the 2010 Census. The chart also shows the population deviations for the 2003 Senate Plan districts under the 2010 Census.

13. Attached as Frey Exhibits 35, 36, 37, and 38 are charts showing the racial and ethnic percentages for districts with a non-Hispanic white VAP percentage of under 50% for the Enacted 2011 Senate Plan (Rucho Senate 2) (Ex. 35), the 2011 SCSJ Senate Plan (Ex. 36), the 2011 F&L Senate Plan (Ex. 37), and the 2011 LBC Senate Plan (Ex. 38).

14. Attached as Frey Exhibit 39 is a chart showing election winners by party and race for all House Districts in the 2009 House Plan with a non-Hispanic white VAP of under 50%. This chart also shows other percentages by race and ethnicity. The percentages are based upon the 2010 Census. This chart also shows the population deviations for the 2009 House Plan districts under the 2010 Census.

15. Attached as Frey Exhibits 40, 41, 42, and 43 are charts showing racial and ethnic percentages for all districts with a non-Hispanic white VAP percentage of under 50% for the enacted 2011 House Plan (Lewis-Dockham-Dollar 4) (Ex. 40), the 2011 SCSJ House Plan (Ex. 41), the 2011 F&L House Plan (Ex. 42) and the 2011 LBC House Plan (Ex. 43).

16. Attached as Exhibit 44 is a chart showing registration statistics by party and race for 2003 Senate Districts with a black registration percentage of over 40%. District 40, with a black registration percentage of 37.08% is also included. This chart also shows election winners

for these districts for 2006, 2008, and 2010, plus the population deviations for these districts under the 2010 Census.

17. Attached as Exhibits 45, 46, 47, and 48, are charts showing registration statistics by party and race for Senate districts with black voter registration over 40% for the enacted 2011 Senate Plan (Rucho Senate 2) (Ex. 45), the SCSJ Senate Plan (Ex. 46), Senate F&L (Ex. 47), and the LBC Senate Plan (Ex. 48). The chart also shows the name, race, and party of incumbents assigned to these districts by each Plan.

18. Attached as Exhibit 49 is a chart showing registration statistics by party and race for 2009 House districts with a black registration percentage over 40%. This chart also shows election winners for these districts for 2006, 2008, and 210 plus population deviations for these districts under the 2010 Census.

19. Attached as Exhibits 50, 51, 52, and 53 are charts showing registration statistics by party and race for house Districts with black registration over 40% for the enacted 2011 House Plan (Lewis-Dockham-Dollar 4) (Ex. 50), the 2011 SCSJ House Plan (Ex. 51), the 2011 House F&L Plan (Ex. 52), and the 2011 LBC Plan (Ex. 53).

20. Attached as Frey Exhibit 54 is a chart listing Total Black Voting Age Population (“TBVAP”) for “influence districts” identified in a 10/13/2011 letter to the USDOJ by the SCSJ. The TBVAP percentages for these districts under the 2003 Senate Plan are compared to the TBVAP found in the district to which the same 2011 incumbent was assigned by the enacted 2011 Senate Plan (Rucho Senate 2), the SCSJ Senate Plan, the Senate Fair and Legal Plan (“SFL”) and the LBC Senate Plan (“Possible Senate Districts” or “PSD”).

21. Attached as Frey Exhibit 55 is a chart comparing TBVAP for Enacted 2011 Senate Plan “Influence” districts listed in the NAACP Plaintiffs’ Amended Complaint with

districts having the same 2011 incumbent in the 2003 Senate, SCSJ Senate, F&L Senate, and LBC Senate plans.

22. Attached as Frey Exhibit 56 is a chart comparing TBVAP for 2003 Senate Plan “Influence” districts listed in the Affidavits of Plaintiffs’ expert Allan Lichtman with districts having the same 2011 incumbent in the enacted 2011 Senate, SCSJ Senate, F&L Senate, and LBC Senate plans.

23. Attached as Frey Exhibit 57 is a chart listing Total Black Voting Age Population (“TBVAP”) for “influence districts” identified in a 10/13/2011 letter to the USDOJ by the SCSJ. The TBVAP percentages for these districts under the 2009 House Plan are compared to the TBVAP found in the district to which the same 2011 incumbent was assigned by the enacted 2011 House Plan (Lewis-Dollar-Dockham 4), the SCSJ House Plan, the House Fair and Legal Plan (“HFL”) and the LBC House Plan (“Possible House Districts” or “PHD”).

24. Attached as Frey Exhibit 58 is a chart comparing TBVAP for Enacted 2011 House Plan “Influence” districts listed in the NAACP Plaintiffs’ amended complaint with districts having the same 2011 incumbent in the 2009 House, SCSJ House, Fair and Legal House, and LBC House plans.

25. Attached as Frey Exhibit 59 is a chart comparing TBVAP for 2009 House Plan “Influence” districts listed in the Affidavits of Allan Lichtman with districts having the same 2011 incumbent in the enacted 2011 House, SCSJ House, F&L House, and LBC House plans.

26. Attached as Frey Exhibits 60, 61, 62, 63 are charts comparing Congressional districts having non-Hispanic white VAP of under 50%: 2001 Congressional (Ex. 60); the enacted 2011 Congressional Plan or Rucho-Lewis-Congress 3 (ex. 61); SCSJ Congress Plan (Ex. 62); and Congressional Fair and Legal (Ex. 63).

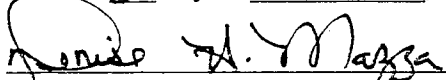
27. Attached as Frey Exhibits 64, 65, 66, and 67 are charts comparing Congressional districts having black voter registration over 40%: 2001 Congressional (Ex. 64); the enacted 2011 Congressional Plan or Rucho-Lewis-Congress 3 (Ex. 65); SCSJ Congress (Ex. 66); and Congressional Fair and Legal (Ex. 67).

28. In Exhibits 34 through 67, each district's "election winners" for 2006, 2008, and 2010 or "incumbent" assigned to each district is identified by race and party. "AI" means American Indian or Native American, "B" means black or African-American, and "W" means white. "D" means Democratic Party while "R" means Republican Party. Other abbreviations or explanations relevant to each chart description are explained in the headings or notes located at the bottom of each exhibit.

This the 6th day of January, 2012.


Dan Frey

Sworn and subscribed before me
this the 6th day of December, 2012.


Notary Public

My commission expires: 2/9/16

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